

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

51382 GRATIOT AVENUE HOLDINGS,
LLC,

Plaintiff/Counter-Defendant,

v.

Case No. 2:11-cv-12047

CHESTERFIELD DEVELOPMENT
COMPANY, LLC and JOHN DAMICO,

Defendants/Counter-Plaintiffs,

v.

MORGAN STANLEY CAPITAL, INC.,

Third-Party Defendant.

**ORDER SETTING BRIEFING SCHEDULE FOR PLAINTIFF'S "MOTION TO
TERMINATE RECEIVERSHIP"**

Pending before the court is Plaintiff's "Motion to Terminate Receivership," filed on September 26, 2011. Plaintiff has also submitted to the court several proposed orders terminating the receivership, with the latest received by the court on October 12, 2011. During a telephone conference held on October 12, 2011, Defendants confirmed that, though they did not oppose ending the receivership, they disagreed with the language used in ¶ 6 of Plaintiff's proposed order. Specifically, Defendants interpret ¶ 6 as limiting their right to bring suit against the receiver based on its administration of the receivership, and they object to any such limitation of their right to sue. At the court's request, the parties agreed to prepare supplemental memoranda addressing this point of contention. Accordingly,

IT IS ORDERED that, by **October 19, 2011**, Plaintiff shall file a concise memorandum in support of its "Motion to Terminate Receivership" [Dkt. # 67], focusing on the legal support for including the contested language in ¶ 6 of the proposed order terminating the receiver.¹

IT IS FURTHER ORDERED that Defendants shall file a concise memorandum in response no later than **seven days** from the filing of Plaintiff's memorandum. At that time, the court shall advise the parties of any additional conferences or hearings that it may elect to hold prior to ruling on this issue.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 12, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 12, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹The parties are encouraged to continue working toward an agreement on the language of the proposed order terminating the receivership. If such an agreement is reached before **October 19, 2011**, the parties need not file the supplemental memoranda required by this order.